

SEP 10 2014

A091 (Rev. 8/01) Criminal Complaint

David J. Bradley, Clerk of Court

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

UNITED STATES OF AMERICA

V.

Samuel Herculano IZAGUIRRE**CRIMINAL COMPLAINT**Case Number: **C-14-975M**

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 9/9/2014 in Kenedy County, in the

Southern District of Texas defendant s **Samuel Herculano IZAGUIRRE**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324
I further state that I am a(n) Special Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of Special Agent **Jerrod Buckner**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No


Signature of Complainant

Jerrod Buckner

Printed Name of Complainant

Sworn to before me and signed in my presence and probable cause found on

September 10, 2014

Date

B. Janice Ellington U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State


Signature of Judicial Officer

AFFIDAVIT

I, Jerrod Buckner, being first duly sworn, hereby depose and state as follows:

On September 9, 2014 at approximately 7:45 PM a gold Chevrolet Impala bearing Texas Plates DLW-6336 and driven by one male subject approached the primary inspection area of the Kingsville Border Patrol Checkpoint in Sarita, Texas. The vehicle approached the primary inspection lane and Border Patrol Agent Isaac Bustillos performed a primary inspection of the vehicle and its driver (later identified as IZAGUIRRE, Samuel Herculano).

Agent Bustillos questioned the driver of the vehicle as to his citizenship and IZAGUIRRE replied that he was a United States Citizen. Agent Bustillos then proceeded to ask the driver as to where he was heading, he answered, "I am heading to Odem, Texas". Agent Bustillos then asked IZAGUIRRE if he had anyone else was inside the vehicle with him. IZAGUIRRE responded that no one else was in the vehicle. At that time Canine handler, Modesto Morales notified Agent Bustillos that his canine partner "Shiewa" had alerted to the vehicle. Agent Bustillos then asked the driver if he had any illegal substances inside the vehicle.

IZAGUIRRE then stated "no, but I do smoke weed sometimes." Agent Bustillos asked the driver if he had any narcotics in the vehicle, and noticed IZAGUIRRE begin to look down and changed his facial expression. Agent Bustillos then asked IZAGUIRRE if he was okay, because he had an unsure look on his face. IZAGUIRRE stated that he was okay, but sometimes he did smoke marijuana in the vehicle. Agent Bustillos then asked IZAGUIRRE if he could check the trunk, to which IZAGUIRRE stated "yes". Due to the canine alert of the vehicle and IZAGUIRRE's demeanor when questioned about the trunk, Agent Bustillos referred the vehicle to secondary for further inspection.

Once in the secondary inspection area, Border Patrol Agents escorted IZAGUIRRE out of the vehicle, and into the Sarita Checkpoint for further questioning. At that time Agent Morales and canine partner "Shiewa" checked the trunk of IZAGUIRRE's vehicle and discovered two adult males (later identified as CARRILLO-Castro, David Eliezer , and SILVA-Carmona, Israel) trapped behind a suitcase in the trunk. Both subjects were sweating and looked dehydrated, and both subjects claimed to be citizens of Mexico in the United States illegally. At that moment, all questioning of IZAGUIRRE stopped and the driver was placed under arrest and read his Miranda Rights.

Statement of Samuel Herculano IZAGUIRRE to Border Patrol:

IZAGUIRRE, Samuel Herculano was read his Miranda by Agent Bustillos and witnessed by Agent Luis Uribe. IZAGUIRRE stated and signed that he understood his rights and was not willing to answer any questions asked at that time.

Records checks conducted on IZAGUIRRE showed four previous arrests for alien smuggling by Border Patrol Agents. Records checks also showed that on 01/29/2013 IZAGUIRRE was found guilty of Alien

Smuggling in Corpus Christi, Texas and sentenced to four months. IZAGUIRRES was also sentenced to 3 years' probation, which he was currently still serving at the time of his arrest on 09/09/2014.

Statement of CARRILLO-Castro, David Eliezer to Border Patrol:

CARRILLO-Castro stated that he did not know the drivers name but that IZAGUIRRE had made the smuggling plans. CARRILLO-Castro stated that the driver picked both he and SILVA-Carmona up at a house and took them to a hotel. CARRILLO-Castro also stated that they stayed at the hotel for two days and one night and that IZAGUIRRE the driver, had delivered them food and water while they were at the hotel. CARRILLO-Castro stated that IZAGUIRRE called him on September 9, 2014 and notified them to get ready to go, and that IZAGUIRRE would be there soon to pick them up. Once IZAGUIRRE arrived, he told them both to get into the trunk of his car, where they would ride the whole way to Houston. CARRILLO-Castro described the vehicle as a sand colored Chevrolet Impala that was used to transport them from the hotel. CARRILLO-Castro also stated that his family was going to pay for him to be smuggled once he got to Houston. CARRILLO-Castro stated that while inside the trunk they found a water bottle rolling around and shared it since they were very thirsty and hot. Subject also stated that he was scared that he was going to be left inside and forgotten since he wasn't able to reach the trunk's release lever.

Statement made by SILVA-Carmona, Israel to Border Patrol:

SILVA-Carmona stated that he had arranged to pay IZAGUIRRE, \$30,000 in Mexican Pesos once they had arrived in Houston. SILVA-Carmona also stated that he was held in a hotel for approximately two days, and that while he was there the driver, IZAGUIRRE had brought him food and water. SILVA-Carmona stated that the driver had called CARRILLO-Castro while they were waiting at the hotel, to let them know that he was on his way to pick them up and transport them to Houston, Texas.

SILVA-Carmona stated that once he had arrived in Houston, that family members would meet him to pay for him being smuggled into the country. Once IZAGUIRRE arrived, he instructed both of the men to get into the trunk of the vehicle and to cover themselves up. Once they had covered themselves up SILVA-Carmona stated that he felt IZAGUIRRE lay something on top of them. SILVA-Carmona also stated that they had been in the trunk from the time they left the hotel until they had been encountered by Border Patrol Agents. SILVA-Carmona further stated that it was very hot and hard to breath inside the trunk and that he feared for his life because he did not know that there was a lever to open the trunk from the inside.

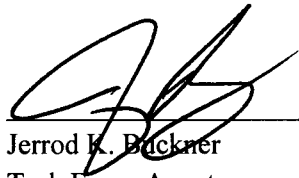
Both subjects were shown a six -pack photo lineup, and both subjects were able to positively identify IZAGUIRRE as the man who brought them food and water and as the driver of the vehicle that had picked them up from the hotel and transporting them to Houston, Texas.

DISPOSITION:

AUSA Jeff Miller was contacted and provided with the information by Task Force Agent Jerrod K. Buckner and accepted the case against Samuel Herculano IZAGUIRRE for prosecution of violating 8 USC 1324, Alien Smuggling.

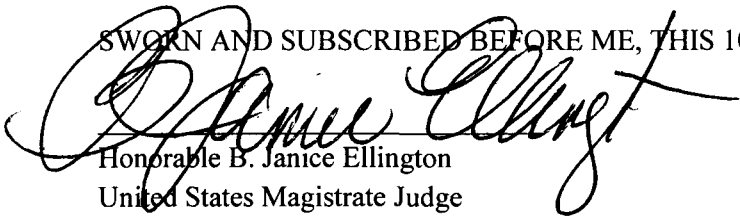
Two (2) smuggled aliens: CARRILLO-Castro, David Eliezer and SILVA-Carmona, Israel will be held as Material Witnesses and will be issued a Warrant of Arrest/Notice to Appear.

Both smuggled aliens were interviewed and did not provide any exculpatory statements for this investigation.



Jerrod K. Buckner
Task Force Agent
Homeland Security Investigations

SWORN AND SUBSCRIBED BEFORE ME, THIS 10th DAY of SEPTEMBER, 2014.



Honorable B. Janice Ellington
United States Magistrate Judge